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CT & NFAC  
23 MAR 1979

Extract from the Staff Meeting Minutes of 23 March 1979:

The Director asked Bowie to have C/SALT/SS [ ] research the SALT treaty provision regarding mutual notification of ICBM tests under certain circumstances. The Director said that those circumstances do not seem to be adequate to provide sufficient advance warning, particularly for the U-2 and some other alternatives being considered for [ ]. He asked that this issue also be addressed in the paper [ ] was providing on the alterna-

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23 MAR 1979Extract from the Staff Meeting Minutes of 23 March 1979:

Lapham explained that a question exists regarding whether or not a Presidential Finding is required on the [ ] program that was discussed at the 6 March SCC meeting. He said that Agency representatives attending the meeting left thinking none was required, and the minutes indicate the same. The Attorney General, however, thought the opposite, and the Department of Justice thinks the minutes are wrong. (The Director left the meeting at this point to take a phone call.) Lapham suggested that we either have to obtain a finding and brief the required committees or the Director needs to clarify this matter with the Attorney General or his Assistant Bast. Mr. Carlucci suggested that Lapham draft a finding and attach it to a memorandum to David Aaron explaining the difference of opinion of the necessity of a finding and asking him to reach a decision. If he thinks one is required, he can then forward the finding. If he thinks otherwise, he can advise us. Lapham suggested that this would present a danger of the Agency being caught in the middle, possibly taking action that would later be determined illegal. Mr. Carlucci suggested that the memorandum be sent through the Department of Justice, requiring their opinion in writing. When Lapham said that a decision was needed today, Mr. Carlucci suggested he contact Justice by phone to get the needed wording. (Action: OGC) [ ]

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answered by

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